



## July 2011 Rules Agenda

This report details current and anticipated rulemaking activities for the Department of Health (DOH) and the State Board of Health (SBOH). If you have any questions regarding this report or Department of Health rulemaking activities, please contact Tami Thompson at (360) 236-4044. If you have any questions regarding State Board of Health rulemaking activities please contact Craig McLaughlin at (360) 236-4106.

This agenda is for information purposes, and the noted dates of anticipated rulemaking actions are estimates. Governor Gregoire signed an Executive Order (EO) 10-06 on November 17, 2010 directing agencies under her jurisdiction to suspend non-critical rule development and adoption activities. The department has reviewed the rule development projects underway to determine if any rules meet the criteria.

Any errors in this agenda do not affect the rules and rulemaking notices filed with the Office of the Code Reviser and published in the Washington State Register. There may be additional DOH rulemaking activities that cannot be forecasted as the Department initiates rulemaking to implement new state laws, meet federal requirements, or meet unforeseen circumstances. See the "**Key**" at the end of the tables for explanations of terms and acronyms.

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: July 20, 2011**

**TIME: 11:18 AM**

**WSR 11-15-099**

## State Board of Health Rule Making

RCW or Session Law	Authority	WAC and Rule Title	101 Filing WSR # and Date	102 Filing WSR # and Date	105 Filing WSR # and Date	103 Filing WSR # and Date	Program Staff Contact
RCW 43.20.050(2)	State Board of Health	WAC 246-290-460 Fluoridation of Drinking Water—Revises the fluoride concentration in Group A public water systems that choose to fluoridate under RCW 57.08.012	11-11-046 05/13/2011	Anticipate filing 12/2011  Requested by regulated community to protect public health.			NED THERIEN (360) 236-4103
RCW 43.20.050	State Board of Health	Chapter 246-272A WAC - On-site Sewage Systems. This rulemaking will explore creation of a process for the approval and state registration of drain field remediation technologies. The State Board of Health does not currently regulate remediation technologies.	06-12-108 06/7/2006	Suspended until 2012 due to EO 10-06.			STUART GLASOE (360)236-3246
RCW 43.20.050	State Board of Health	Chapter 246-291 WAC, Group B Public Water Supplies	07-14-147 07/05/2007	Anticipate filing 01/2012  Rule necessary to assist Department of Health manage a budget shortfall and protect public health.			THERESA PHILLIPS (360) 236-3147
RCW 43.20.050	State Board of Health	Chapter 246-390 WAC, Drinking Water Laboratory Certification	06-23-077 11/13/2006	Suspended until 2012 due to EO 10-06			THERESA PHILLIPS (360) 236-3147

RCW or Session Law	Authority	WAC and Rule Title	101 Filing WSR # and Date	102 Filing WSR # and Date	105 Filing WSR # and Date	103 Filing WSR # and Date	Program Staff Contact
RCW 43.20.050	State Board of Health (delegated to Department of Health)	Chapter 246-290 WAC, Group A Public Water Supplies – Lead & Copper	09-15-040 07/08/2009	11-12-033 05/25/2011		Anticipate Filing 09/2011  Rule necessary to meet federal requirements; benefit to regulated community; protect public health.	THERESA PHILLIPS (360) 236-3147
RCW 70.62.240	State Board of Health	Chapter 246-360 WAC Transient Accommodations	07-14-148 07/5/2007	Suspended until 2012 due to EO 10-06			JOHN HILGER (360) 236-2929
RCW 70.83.050	State Board of Health	Chapter 246-650 WAC, Add Severe Combined Immune Deficiency to the list of mandatory newborn screenings	Anticipate Filing 10/2011  Rule necessary to protect public health.				MICHAEL GLASS (206) 418-5470
RCW 43.20.050 and 43.20.145	State Board of Health	Chapter 246-215 WAC, Food Service	10-04-068 01/29/2010	Anticipate filing 03/2012  Rule continuation requested by regulated community. Necessary to protect public health.			JOE GRAHAM (360) 236-3305
RCW 69.30.030 and RCW 43.20.030	State Board of Health and Department of Health  (Joint Rule Revision)	WAC 246-282-012, Certificates of Approval – Operation Licenses, Harvest Site Certificates (shellfish license renewal date change for Shellstock Shippers and Shucker Packers); and WAC 246-282-990, Fees		11-13-122 06/22/2011		Anticipate Filing 09/2011  Rule necessary to manage budget shortfall; protect public health; benefit to regulated community.	BRANDY BRUSH (360) 236-3342

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RCW 43.20.050, 70.119A.080	State Board of Health	WAC 246-203-103 Keeping of Animals	09-17-132 08/19/2009	Suspended until 2012 due to EO 10-06			NED THERIEN (360) 236-4103

## Department of Health

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RCW 18.35.161	Board of Hearing and Speech	WAC 246-828-XXX Prohibiting the use of the title "Audioprosthologist"	09-11-116 05/20/2009	Suspended until 2012 due to EO 10-06			JANETTE BENHAM (360) 236-4857
HB 1181 (Chapter 41, Laws of 2011) and SSB 5152 (Chapter 40, Laws of 2011)	Board of Naturopathy	Chapter 246-836 WAC, Naturopathic physicians – amending to create the board of naturopathy and update the scope of practice	Anticipate Filing 8/24/2011  Rules are necessary to implement state law.				SUE GRAGG (360) 236-4941
RCW 18.52.071	Board of Nursing Home Administrators	WAC 246-843-010, 070, 071, 073, 090, 093, 095, 230 and 231 - Application for Initial License and endorsement	06-12-109 06/7/2006	Suspended until 2012 due to EO 10-06			KENDRA PITZLER (360) 236-4723
ESSB 5708 (Chapter 366, Laws of 2011)	Board of Nursing Home Administrators	Chapter 246-843 WAC, Nursing home administrators – amending to adopt rules defining parameters for on-site full-time administrators with small resident populations when the home has converted some of its licensed beds for assisted living.	Anticipate Filing 9/21/2011  Rules are necessary to implement state law.				KENDRA PITZLER (360) 236-4723
RCW 18.54.070	Board of Optometry	WAC 246-851-XXX Optometry Multicultural Education	10-05-060 02/11/2010	10-21-104 10/20/2010 Hearing was Cancelled on 12/03/10  Suspended until 2012 due to EO 10-06			JUDY HAENKE (360) 236-4947
RCW 18.64.005	Board of Pharmacy	Chapter 246-886 WAC, Animal Control-Legend Drug Sodium Pentobarbital	09-11-049 05/13/2009	Anticipate Filing 09/2011  Rule Requested by regulated entity.			DOREEN BEEBE (360) 236-4834

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RCW 18.64.005, 18.64.165	Board of Pharmacy	New chapter 246-874 WAC Pharmaceutical Services -- Correctional Facilities. The Board of Pharmacy is considering developing rules that will establish minimum enforceable requirements specifically for Washington correctional facilities in safe handling, storage, recordkeeping and administration of pharmaceuticals.	07-14-145 07/5/2007	Anticipate Filing 10/2011  Rule is necessary to protect public health, safety, and welfare.			KITTY SLATER (360) 236-4861
HB 1353 (Chapter 71. Laws of 2011)	Board of Pharmacy	Chapter 246-901 WAC, Pharmacy ancillary personnel – amending to add continuing education requirements	Anticipate filing 8/24/2011  Rules are necessary to implement state law.				KITTY SLATER (360) 236-4861
RCW 69.43.165	Board of Pharmacy	Chapter 246-889 WAC – amending to establish a statewide real-time electronic methamphetamine precursor tracking system for retail sales of over-the-counter medications containing ephedrine, pseudoephedrine, or phenylpropanolamine	10-13-174 9/23/2010	11-14-048 6/28/2011		Anticipate Filing 10/2011  Rules are necessary to implement state law.	DOREEN BEEBE (360) 236-4834
RCW 18.64.005	Board of Pharmacy	WAC 246-887-100, amending to add synthetic cannabinoids and substituted cathinones to the Schedule 1 controlled substance list	11-12-005 5/19/2011	Anticipate Filing 8/03/2011  Rules are necessary to protect public health.			KITTY SLATER (360) 236-4861

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RCW 18-25-0171	Chiropractic Quality Assurance Commission	WAC 246-808-180 Expired Licenses	Anticipate Filing 09/2011  Rule is necessary to protect public health, safety, and welfare.				LEANN YOUNT (360)-236-4856
RCW 18.25.0171	Chiropractic Quality Assurance Commission	WAC 246-808-150 Continuing education	09-09-031 04/07/2009	Suspended until 2012 due to EO 10-06			LEANN YOUNT (360) 236-4856
RCW 18.25.0171 18.130.050(1) and (12)	Chiropractic Quality Assurance Commission	WAC 246-808-550 Future Care Contracts Prohibited, Revising the current rule to clarify the requirements for future care contracts.	10-06-017 02/22/2010	Suspended until 2012 due to EO 10-06			LEANN YOUNT (360) 236-4856
RCW 18.32.040, 18.130.064	Dental Quality Assurance Commission	WAC 246-817-310 and –XXX Maintenance and Retention of Dental Records and Dental Treatment Records	09-13-097 06/17/2009	Suspended Until 2012 due to EO 10-06			JENNIFER SANTIAGO (360) 236-4893
RCW 18.36A.060	Department of Health	WAC 246-836-010 and 246-836-210 Amending existing sections and adding a new section to naturopathic physician rules to identify nonsurgical cosmetic procedures within scope of practice.	10-15-098 07/20/2010	Suspended until 2012 due to EO 10-06			SUSAN GRAGG (360) 236-4941

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RCW 18.36A.060	Department of Health	WAC 246-836-080 Continuing Competency Program Requirements for Naturopathic Physicians	08-17-041 08/14/2008	Suspended until 2012 due to EO 10-06			SUSAN GRAGG (360) 236-4941
RCW 18.84.040	Department of Health	WAC 246-926-180 Amending the Parenteral Procedures for Radiologic Technologists	10-15-101 07/20/2010	Suspended until 2012 due to EO 10-06			SUSAN GRAGG (360) 236-4941
SHB 2430 (Chapter 92, Laws of 2010)	Department of Health	Chapter 246-926 WAC, establishing licensure requirements for cardiovascular invasive specialists	10-19-035 9/09/2010	Anticipate Filing 10/2011  Rules are necessary to implement state law.			SUE GRAGG (360) 236-4941
RCW 18.19.050, RCW 18.19.020	Department of Health	WAC 246-810-010, WAC 246-810-016 Tribes recognized as an agency for agency affiliated counselors			Anticipate Filing 08/2011  Rule required by 2011 state law (HB 1939)	Anticipate Filing 10/2011	LEANN YOUNT (360) 236-4856
RCW 18.36A.060 and 18.36A.100	Department of Health	Chapter 246-836 WAC, Amending Accreditation Requirements for Naturopathic Medical Educational Institutions	10-15-097 07/20/2010	Suspended until 2012 due to EO 10-06			SUSAN GRAGG (360) 236-4941
RCW 43.70.040, 70.38.135	Department of Health	WAC 246-310-XXX Hospital Acute Care Bed Methodology	09-16-118 08/04/2009	Suspended until 2012 due to EO 10-06			JOHN HILGER (360) 236-2929
RCW 43.70.040	Department of Health	Chapter 246-824 WAC Dispensing Opticians. To allow for military training and experience towards licensure (SSB 5307, 2011)	Anticipate Filing 08/2011  Rule required by state law.				JUDY HAENKE (360) 236-4947

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RCW 43.70.120 and 7C.F.R. 246	Department of Health	WAC 246-790-010 through -130 Women, Infant, and Children's Nutrition Program Authorized Retailers	10-14-093 07/06/2010	Anticipate Filing 08/2011  Rule beneficial to or requested or supported by the regulated entities			PETER GAYTON (360) 236-3788
RCW 43.70.235	Department of Health	Chapter 246-306 WAC Certification of Independent Review Organizations	11-15-004 07/06/2011  Rulemaking is required by federal law.	Anticipate Filing 08/2011		Anticipate Filing 11/2011	SHERRY THOMAS (360) 236-4612
Chapter 70.185 RCW	Department of Health	Chapter 246-562 WAC, J-1 Physician Visa Waiver regulations	08-14-077 6/26/2008		Anticipate Filing 9/2011  Rule required by federal law; benefits regulated entities.		HSQA - JENNEL PRENTICE (360) 236-2814
Chapter 70.225 RCW	Department of Health	Title 246 WAC - Adding new chapter for Prescription Monitoring Program (PMP)	08-15-085 7/16/2008	11-11-097 05/18/2011		Anticipate Filing 08/2011  Rule required by state law.	Chris Baumgartner (360) 236-4808
SHB 1304 (Chapter 70. Laws of 2011)	Department of Health	Chapter 246-826 WAC Health Care Assistants – amending to limit administration of certain drugs to category C and E			Anticipate Filing 9/07/2011  Rules are necessary to implement state law.		ERIN OBENLAND (360) 236-4945
RCW 43.70.040, 70.38.135	Department of Health	WAC 246-310-XXX Revising and Updating the Certificate of Need Adjudicative Proceeding Rules	Anticipate Filing 2012				JOHN HILGER (360) 236-2929

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HB1548 (Chapter 31, Laws of 2011)	Department of Health	Chapter 246-980 WAC, Home care aid – amending to delay registration requirements	Anticipate Filing 05/2012				KENDRA PITZLER (360) 236-4723
E2SSB 5073 (chapter 181, Laws of 2011)	Department of Health	Chapter 246-75 WAC – repealing medical marijuana rule			Anticipate Filing 8/24/2011  Rule is no longer necessary because of change in state law.		KRIS REICHL (360) 236-4985
Chapter 70.54 RCW	Department of Health	Chapter 246-102 WAC Cancer Registry	09-15-186 07/22/2009	Anticipate Filing 08/2011  Rule required by federal law.			BARBARA WEATHERBY (360) 236-3682
RCW 70.119.050	Department of Health	Chapter 246-292 WAC Waterworks Operator Certification	09-21-043 10/13/2009	Anticipate Filing 01/2012  Rule necessary to implement legislation, and is a benefit to regulated community.			THERESA PHILLIPS (360) 236-3147
RCW 70.119A.170	Department of Health	Chapter 246-296 WAC Drinking Water State Revolving Fund Loan Program (DWSRF).	11-03-021 01/07/2011	Anticipate Filing 09/2011  Rule is necessary to meet federal requirements; benefit to regulated community; replaces emergency rules.			THERESA PHILLIPS (360) 236-3147

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RCW 70.98.050	Department of Health	Chapter 246-255A WAC , Dental X-Ray Radiation Safety and Diagnostic Imaging Quality Standards	09-16-141 08/05/2009	11-12-026 05/24/11		Anticipate Filing 08/2011  Benefit to regulated community.	TRACI BLACK (360)236-3259
RCW 70.98.050	Department of Health	Chapter 246-247 WAC - Radiation Protection - Air Emission	05-12-140 06/1/2005	Suspended until 2012 due to EO 10-06			TRACI BLACK (360) 236-3259
RCW 70.98.085	Department of Health	WAC 246-254-130, Radioactive waste disposal site surveillance fee		Anticipate filing 09/2011  Rule necessary to assist Department of Health manage a budget shortfall.			TRACI BLACK (360) 236-3259
RCW 18.71.017, 18.130.050, and 18.71.430	Medical Quality Assurance Commission	WAC 246-919-430 (physicians) and WAC 246-918-XXX (physician assistants) Requiring additional practice information at renewal	09-14-114 06/30/2009	10-21-098 06/30/2009		Suspended until 2012 due to EO 10-06	JULIE KITTEN (360) 236-2757
RCW 18.59.090, 18.130.050	Occupational Therapy Practice Board	WAC 246-847-030 Occupational therapists acting in a consulting capacity; WAC 246-847-055 Initial application for individuals who have not practiced within the past four years; WAC 246-847-068 Expired license; WAC 246-847-070 Inactive credential; WAC 246-847-125 Applicants currently licensed in other states or territories and WAC 246-847-XXX Renewal for those that have not practiced in four years.	08-15-088 07/17/2008	Suspended until 2012 due to EO 10-06			JANETTE BENHAM (360) 236-4857

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Chapter 18.59 RCW	Occupational Therapy Practice Board	Chapter 246-847 WAC, Wound care treatment by occupational therapist	Anticipate Filing 09/2011  Rule required by 2011 state law. (SSB 5018)				JANETTE BENHAM (306) 236-4857
RCW 18.22.015 18.130.050	Podiatric Medical Board	WAC 246-922-010 Definitions; adding new sections to chapter 246-922 WAC to establish standards for prescribing orthotic devices by podiatrists	07-16-140 08/1/2007	Suspended until 2012 due to EO 10-06			ERIN OBENLAND (360) 236-4945
RCW 18.92.030	Veterinary Board of Governors	WAC 246-933-460 Courses approved by the veterinary board – amending the list of approved organizations	10-13-095 06/16/2010	10-21-081 10/19/2010		Suspended until 2012 due to EO 10-06	JUDY HAENKE (360) 236-4947

### KEY

**CR** means “Code Reviser” on the notice forms created by the Office of the Code Reviser for use by all state agencies.

**CR-101** is a Preproposal Statement of Inquiry filed under RCW 34.05.310.

**CR-102** is a Proposed Rule Making notice filed under RCW 34.05.320 or 34.05.340.

**Proposal is Exempt under RCW 34.05.310(4)** means a rule that does not require the filing of a CR-101 notice under RCW 34.05.310(4).

**CR-105** is an Expedited Rule Making notice filed under RCW 34.05.353. This is an accelerated rule adoption process with no public hearing required.

**CR-103** is Rule Making Order permanently adopting a rule, and filed under RCW 34.05.360 and 34.05.380.

**EMERGENCY** rules are temporary rules filed under RCW 34.05.350 and 34.05.380 by using a CR-103 Rule Making Order. Emergency rules may be used to meet certain urgent circumstances. These rules are effective for 120 days after the filing date, and may be extended in certain circumstances.

**EO** is the Executive Order 10-06 of 2010

**Blank cells in tables** mean the anticipated filing date is not known at the time this rules agenda is filed.

**TBD- To Be Determined** is when a date is still being discussed

**RCW** is the Revised Code of Washington

**WAC** is the Washington Administrative Code

**WSR** number is the Washington State Register official filing reference number given by the Office of the Code Reviser when a notice is filed.

*July 2011 Rules Agenda*